

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ELONZIO ODUMS,

Civil Action No. 16-9145(RMB)

Plaintiff

v.

OPINION

SOUTH WOODS STATE PRISON, *et al.*,

Defendants

BUMB, District Judge

On December 9, 2016, Plaintiff, incarcerated in South Woods State Prison, filed this action under 42 U.S.C. § 1983. (Compl., ECF No. 1.) Defendant Charles Donaghy filed an answer on December 5, 2017. (Answer, ECF No. 21.) The Court granted Defendant Donaghy's motion for summary judgment on February 21, 2019. (Opinion, ECF No. 40; Order, ECF No. 41.) On the same day, the Court issued Plaintiff an Order to Show Cause why this action should not be dismissed for failure to prosecute because only one defendant remained and Plaintiff never served the summons and complaint on that defendant. (Order to Show Cause, ECF No. 42.) The Clerk mailed a copy of the Order to Show Cause to Plaintiff's last known address, and on March 4, 2019, it was returned to the Court as undeliverable. (Returned Mail, ECF No. 43.) Plaintiff did not advise the Court of his new address.

I. DISCUSSION

Local Civil Rule 10.1(a) provides, in relevant part:

unrepresented parties must advise the Court of any change in their . . . address within seven days of being apprised of such change by filing a notice of said change with the Clerk. Failure to file a notice of change may result in the imposition of sanctions by the Court.

Dismissing a Plaintiff's complaint without prejudice is an appropriate remedy for noncompliance with this rule. See Archie v. Dept. of Corr., Civ. No. 12-2466 (RBK/JS), 2015 WL 333299, at *1 (D.N.J. Jan. 23, 2015) (collecting cases).

Mail sent to Plaintiff's last known address was returned. To date, Plaintiff has not informed the Court of his new address.

II. CONCLUSION

The Court will dismiss this case without prejudice pursuant to Local Rule 10.1 An appropriate order follows.

Dated: August 20, 2019

s/Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE